

City Council Agenda



AUGUST 14, 2018

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor
Gary Soiseth

Council Members
William DeHart, Jr.
Matthew Jacob
Vice Mayor
Amy Bublak
Gil Esquer

City Manager
Robert C. Lawton
City Clerk
Jennifer Land
Interim City Attorney
Jose M. Sanchez

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. A. CALL TO ORDER

B. SALUTE TO THE FLAG

2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS

- A. Recognition: Employee of Month, July 2018 - Maintenance Worker I Art Velazquez
- B. Proclamation: Saint Matthew Assyrian Chaldean Catholic Church 10th Year Anniversary, accepted by Father Joseph Kachpelli, Mr. Basil Aboona, and Mr. Lazar Piro
- C. Proclamation: National Health Center Week, August 12-18, 2018, accepted by Golden Valley Health Centers Director of Operations Jesse Fenton
- D. Recognition: Million Acts of Kindness, award recipients Crossfit ParaBellum and the Church of Jesus Christ of Latter-day Saints
- E. Presentation: Pet of the Month, presented by Animal Services Supervisor Glenna Jackson

3. A. SPECIAL BRIEFINGS

1. Police Activities League (PAL) Update, presented by Police Chief Ninus C. Amirfar

B. PUBLIC PARTICIPATION

Pursuant to California Government Code Section 54954.3(a), this is the time set aside for members of the public to directly address the City Council on any item of interest to the public that is within the subject matter jurisdiction of the City Council and to address the Council on any item on tonight's agenda, including Consent Calendar items. You will be allowed five (5) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

Pursuant to California Government Code Section 54954.2(a)(3), no action or discussion may be undertaken on any item not appearing on the posted agenda, except that the City Council, or its staff, may briefly respond to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda.

4. A. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE**B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS****C. DISCLOSURE OF TOP TEN/MAXIMUM CONTRIBUTORS****5. CONSENT CALENDAR**

Information concerning the consent items listed hereinbelow has been forwarded to each Councilmember prior to this meeting for study. Unless the Mayor, a Councilmember or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Council. The action taken by the Council in approving the consent items is set forth in the explanation of the individual items.

- A. Resolution: Accepting Weekly Demands of 7/5/18 in the amount of \$517,614.90; Weekly Demands of 7/19/18 in the amount of \$689,412.83
- B. Motion: Accepting Minutes of the Special Meeting of April 24, 2018
- C. Resolution: Appropriating \$2,223 to account number 110-10-112.43100_001 "Insurance Property" to be funded from Fund 110 "General Fund" unallocated reserves for premise liability insurance for the Turlock Municipal Airport
- D.
 1. Resolution: Determining the closure of Central Park located at 115 South Golden State Boulevard, for the Warriors Explore Downtown event hosted by California State University Stanislaus in partnership with the Turlock Downtown Property Owners Association and the City of Turlock, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines
 2. Resolution: Approving a Special Event Permit Application for Warriors Explore Downtown hosted by California State University Stanislaus in partnership with the Turlock Downtown Property Owners Association and the City of Turlock, authorizing the associated closure of Central Park located at 115 South Golden State Boulevard for event purposes, on Wednesday, September 19, 2018 from 2:00 p.m. to 9:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the park closure
- E. Resolution: Re-appropriating unspent funds of \$66,507 from Fiscal Year 2017-18 to account number 506-00-000-223.51020 "Equipment Replacement" from Fund 506 "Vehicle/Equipment Replacement" unallocated reserves in Program 223 "Water

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- Enterprise” for the purchase of a new Caterpillar Model DP55N1 12,000 lb. Capacity Tier 4 Final Compliant Diesel Pneumatic Tire Lift Truck from Holt of California
- F. 1. Resolution: Approving the purchase of one (1) 2019 Chevrolet Colorado Crew Cab Pick Up for the Municipal Services Department from Winner Chevrolet of Elk Grove, California, through the State of California Contract No. 1-18-23-20D, in an amount not to exceed \$27,013, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(4)
2. Resolution: Appropriating \$27,013 to account number 506-00-000-223.51020 “Equipment Replacement” funded by a transfer from Fund 506 “Vehicle/Equipment Replacement” unallocated reserves for the purchase of one (1) 2019 Chevrolet Colorado Crew Cab Pick Up for the Municipal Services Department from Winner Chevrolet of Elk Grove, California
- G. Motion: Approving Amendment No. 1 to an Agreement with Falany Fence Co., for fence repair and installation services for various City projects on an “as-needed” basis, to increase the annual compensation in an amount not to exceed \$ 30,000
- H. Motion: Approving an Agreement between the City of Turlock and Jocelyn E. Roland, PH.D., to provide counseling/psychotherapy services to all sworn firefighters employed by the Turlock Fire Department at no cost to the covered employee, in an annual amount not to exceed \$12,000 for the period of July 1, 2018 through June 30, 2019, with three one-year options to extend the term of the agreement
- I. Motion: Approving an agreement with Lexipol for the use of subscription material to provide management services for the City of Turlock Police Department for policy update management, for a period of three (3) years in a total amount not to exceed \$30,000
- J. Resolution: Approving a Memorandum of Understanding between the City of Turlock Police Department and Sacramento County Sheriff’s Department for the Sacramento Internet Crimes Against Children Task Force
- K. 1. Resolution: Accepting donations made to the City of Turlock Police Department from various donors during the fourth quarter of Fiscal Year 2017-18 in the amount of \$2,463.72 (monetary donations) and \$1,597.50 (non-monetary donations) utilized in support of the Turlock Police Department’s VIPs, General Donations, National Night Out, and Animal Services
2. Resolution: Accepting donations made to the City of Turlock Police Department from various donors during the first, second, third, and fourth quarters of Fiscal Year 2016-17 and 2017-18 in the amount of \$9,126.41 (non-monetary donations) to be utilized by the Turlock Police Department K9 Unit
3. Resolution: Accepting the donation of Naloxone HCl (Narcan) nasal spray to the City of Turlock Police Department by Aegis Treatment Center in the amount of ninety-six (96) boxes (valued at \$7,200) for the intended use of opioid overdose/exposure incidents
- L. Motion: Approving an Agreement with Romeo Medical Clinic, Inc. (herein referred to as Romeo Medical Clinic) to provide pre-employment, annual physicals, and occupational medical services, in an annual amount not to exceed \$20,000 for the period covering July 1, 2018 to July 1, 2019, with three one-year options to extend the term of the agreement, in a form approved by the Interim City Attorney
- M. Resolution: Appropriating \$8,888 to account number 240-00-000-201.43555 “BCH HVAC Repair” from Fund 240 “Small Equipment Replacement-BCH Repairs and Improvements” unallocated reserves for the repair of three HVAC units at Broadway City Hall
- N. Motion: Approving Amendment No. 4 to an Agreement between the City of Turlock and Champion Industrial Contractors, Inc. for preventive maintenance, filter change out, and

- repair services for HVAC units for City owned and leased buildings, increasing the compensation to an annual amount of \$80,000
- O.
 - 1. Resolution: Appropriating \$91,000 to account number 625-10-199.47200_001 "Housing Set Aside Projects Affordable Housing Development" from Fund 625 "Successor Agency-LMI" unallocated reserves to complete the rehabilitation project for 201 A Street, Turlock
 - 2. Resolution: Appropriating \$150,000 to account number 256-41-486.47225_002 "Affordable Housing–Prior" from Fund 256 "Stanislaus Housing Consortium" unallocated reserves to complete the rehabilitation project for 201 A Street, Turlock
- P. Resolution: Re-appropriating unspent funds of \$922 from Fiscal Year 2017-18 to account number 110-10-104.47030 "Conferences" from Fund 110 "General Fund" unallocated reserves for the City Clerks Association of California Technical Training for Clerks program
- Q. Motion: Designating Councilmember DeHart as the voting delegate and Councilmember Jacob as the alternate voting delegate at the League of California Cities' Annual Business meeting on Friday, September 14, 2018 in Long Beach, California
- R. Motion: Rejecting Claim for Damages filed by Ramin Adam
- S. Motion: Rejecting Claim for Damages filed by Scott Camacho
- T. Motion: Rejecting Claim for Damages filed by Vicente Fuentes
- U. Motion: Rejecting Claim for Damages filed by Brandi Law on Behalf of Jeremy and Emily Sederquist
- V. Motion: Rejecting Claim for Damages filed by Bonnie Stapleton
- W. Motion: Accepting the City of Turlock's audited Financial Statements for the fiscal year ended June 30, 2017 and related reports

6. FINAL READINGS

- A. **Recommended Action:**
Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2018-01, Planned Development 275 (Mission Ranch)] as introduced at the July 24, 2018 City Council meeting.

Resolution: Establishing conditions of approval for Planned Development No. 275 (PD-275) [Rezone 2018-01, Mission Ranch]
- B. **Recommended Action:**
Ordinance: Amending Turlock Municipal Code Title 6, Chapter 3, Article 1, Section 01 regarding Collection Charges for Garbage, Rubbish, and Organic Refuse as related to Commercial Box Services as introduced at the July 24, 2018 City Council meeting.

7. PUBLIC HEARINGS

Challenges in court to any of the items listed below, may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Turlock City Council at, or prior to, the public hearing.

- A. Request to amend Turlock Municipal Code Title 5, Chapter 20, Articles 3 and 4, regarding the removal of any personal property unlawfully stored or found in a city park, any street, or any public parking lot or public area, improved or unimproved (*Gomez*)

Recommended Action:

Ordinance: Amending Turlock Municipal Code Title 5, Chapter 20, Articles 3 and 4, regarding the removal of any personal property unlawfully stored or found in a city park, any street, or any public parking lot or public area, improved or unimproved

8. SCHEDULED MATTERS

- A. Request to approve the Agreement between the City of Turlock and Turlock Gospel Mission for Outreach, Navigation, and Diversion Program Services, in an annual amount not to exceed \$47,000 from account number 120-10-120.43201 "Diversion Program" for the period covering September 1, 2018 through August 30, 2019, with three one-year options to extend the term of the agreement, in a form approved by the Interim City Attorney AND appropriate \$17,000 to account number 120-10-120.43201 "Diversion Program" from Fund 120 "Tourism" unallocated reserves to fund and support the additional services associated with the Outreach, Navigation, and Diversion Program Services (*Splendorio*)

Action Recommended:

Motion: Approving the Agreement between the City of Turlock and Turlock Gospel Mission for Outreach, Navigation, and Diversion Program Services, in an annual amount not to exceed \$47,000 from account number 120-10-120.43201 "Diversion Program" for the period covering September 1, 2018 through August 30, 2019, with three one-year options to extend the term of the agreement, in a form approved by the Interim City Attorney

Resolution: Appropriating \$17,000 to account number 120-10-120.43201 "Diversion Program" from Fund 120 "Tourism" unallocated reserves to fund and support the additional services associated with the Outreach, Navigation, and Diversion Program Services

- B. Request to determine the closure of East Canal Drive [East bound between Main Street and Johnson Road], East Main Street [between East Canal Drive and Center Street], Center Street [between East Main Street and Crane Avenue], Crane Avenue [between Center Street and Minaret Avenue], and Minaret Avenue [between Crane Avenue and East Main Street], for Turlock High School to host the Turlock High School Homecoming Parade, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines AND approve a Special Event Permit Application for the Turlock High School Homecoming Parade hosted by Turlock High School, authorize the associated closure of portions of East Canal Drive [East bound between Main Street and Johnson Road], East Main Street [between East Canal Drive and Center Street], Center Street [between East Main Street and Crane Avenue], Crane Avenue [between Center Street and Minaret Avenue], and Minaret Avenue [between Crane Avenue and East Main Street] for pedestrian safety, on Friday, September 28, 2018 from 1:30 p.m. to 4:30 p.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure (*Traini*)

Recommended Action:

Resolution: Determining the closure of East Canal Drive [East bound between Main Street and Johnson Road], East Main Street [between East Canal Drive and Center Street], Center Street [between East Main Street and Crane Avenue], Crane Avenue [between Center Street and Minaret Avenue], and Minaret Avenue [between Crane Avenue and East Main Street], for Turlock High School to host the Turlock High School Homecoming Parade, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines

Resolution: Approving a Special Event Permit Application for the Turlock High School Homecoming Parade hosted by Turlock High School, authorizing the associated closure of portions of East Canal Drive [East bound between Main Street and Johnson Road], East Main Street [between East Canal Drive and Center Street], Center Street [between East Main Street and Crane Avenue], Crane Avenue [between Center Street and Minaret Avenue], and Minaret Avenue [between Crane Avenue and East Main Street] for pedestrian safety, on Friday, September 28, 2018 from 1:30 p.m. to 4:30 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- C. Request to adopt a new Resolution approving updates and modifications to the City of Turlock Active Military Banner Program for all applications which qualify for the 2018/19 banner term and beyond (*Van Guilder*)

Recommended Action:

Resolution: Adopting a new Resolution approving updates and modifications to the City of Turlock Active Military Banner Program for all applications which qualify for the 2018/19 banner term and beyond

- D. Request to appropriate \$5,000 to account number 269-60-614-414.44001_000 "Supplies" funded by the payment received from Golden State Farmers Market Association to be used for the City of Turlock Active Military Banner Program (*Van Guilder*)

Recommended Action:

Resolution: Appropriating \$5,000 to account number 269-60-614-414.44001_000 "Supplies" funded by the payment received from Golden State Farmers Market Association to be used for the City of Turlock Active Military Banner Program

- E. Request to rescind Resolution No. 2017-302 and adopt a new Resolution approving the Schedule of Benefits (SOB) between the City of Turlock and the Turlock Confidential Employee Group, covering the period of July 1, 2018 through June 30, 2019 AND appropriate \$41,407 to fiscal year 2018/2019 salary and benefit accounts from Fund 110 "General Fund" unallocated reserves and \$8,037 from Fund 410 "Water Quality Control" unallocated reserves due to the adoption of the Schedule of Benefits with the Turlock Confidential Employee Group, covering the period of 7/1/18-6/30/19 (*Jacobs-Hunter*)

Recommended Action:

Resolution: Rescinding Resolution No. 2017-302 and adopting a new Resolution approving the Schedule of Benefits (SOB) between the City of Turlock and the Turlock Confidential Employee Group, covering the period of July 1, 2018 through June 30, 2019

Resolution: Appropriating \$41,407 to fiscal year 2018/2019 salary and benefit accounts from Fund 110 "General Fund" unallocated reserves and \$8,037 from Fund 410 "Water Quality Control" unallocated reserves due to the adoption of the Schedule of Benefits with the Turlock Confidential Employee Group, covering the period of 7/1/18-6/30/19

9. STAFF UPDATES

Staff updates are provided for informational purposes only and no action or discussion may be undertaken, except that Council may request the matter be placed on a future agenda.

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Administrative Services
3. Development Services Department
 - a. Capital Projects, Building Activity, Transit, and Measure L (*Bray*)
 - b. SB1 Project List / Fund 216 "Streets-Local Transportation" (*Bray*)
4. Fire Department
 - a. Office of Emergency Services (OES) Strike Team Update (*Talloni*)
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
7. Police Department

10. CITY MANAGER COMMENTS

City Manager Comments are provided for informational purposes only and no action or discussion may be undertaken, except that Council may request the matter be placed on a future agenda.

11. MATTERS TOO LATE FOR AGENDA/NON-AGENDA ITEMS

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:

- 1) When a majority decides there is an "emergency situation" (as defined for emergency meetings).
- 2) When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action "came to the attention of the local agency subsequent to the agenda being posted." This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A "new" need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline.
- 3) When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process. First, make two determinations: (a) that there is an immediate need to take action and (b) that the need arose after the posting of the agenda. The matter is then "placed on the agenda." Second, discuss and act on the added agenda item.

12. COUNCIL ITEMS FOR FUTURE CONSIDERATION

Requests for Council items for future consideration will be scheduled in accordance with Resolution No. 2008-019 and will be brought back to the City Council no earlier than September 25, 2018, unless otherwise specified by the Mayor or a majority of the Council.

13. COUNCIL COMMENTS

Councilmembers may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.

14. CLOSED SESSION**A. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)**

"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."

Agency Designated Representative: City Manager Robert C. Lawton

Employee Organization: Turlock Associated Police Officers

Employee Organization: Turlock City Employee Association

Employee Organization: Turlock Firefighters Association-Local 2434

Employee Organization: Turlock Management Association-Public Safety

Unrepresented Employees: Accountant, Sr., Administrative Analyst, Administrative Services Director, Assistant to the City Manager for Economic Development/Community Housing, Chief Building Official, City Clerk, Community Housing Program Supervisor, Deputy Director Development Services/Planning, Development Services Director, Development Services Supervisor/City Surveyor, Executive Administrative Assistant/Deputy City Clerk, Executive Administrative Assistant/Municipal Services, Executive Administrative Assistant/Public Safety, Fire Chief, Human Resources Analyst, Sr., Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Office Assistant I, Parks, Recreation and Public Facilities Director, Parks, Recreation and Public Facilities Manager, Payroll Coordinator, Police Business Unit Supervisor, Police Chief, Principal Civil Engineer, Regulatory Affairs Manager, Traffic Transportation Engineering Supervisor, Utilities Manager, and Water Quality Control Division Manager.

B. Public Employee Appointment, Cal. Gov't Code §54957(b)(1)

"Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session."

Title: City Attorney

C. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)

"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."

Agency Negotiator: Mayor Gary Soiseth

Unrepresented Employee: City Attorney

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT